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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,698	01/31/2002	Gero Offer	112740-536	1546
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BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			BADII, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,698

Applicant(s)

OFFER, GERO

Examiner

Behrang Badii

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 5/27/05 have been fully considered but they are not persuasive. Hui et al. discloses graphically coded output information (p36 & 46) and authentication (verification) of a user (claim 16, p.60 & abstract). Hui et al. also discloses reading the graphical information into a device (provides graphic and text communication via the internet to its users; p36) (a device with a modem and an indicator screen which support the graphic and text information, a device with abilities to transfer a voice sequences into a graphic and text information; p46).

DETAILED ACTION

Claims 1-12 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hui et al., U.S. patent application publication 2002/0073027.

As per claim 1, Hui et al. discloses a method for performing a transaction using a mobile terminal having an image output device and an identifying identifier, a trader station having an image reading device and a central station (station) connected to the

Art Unit: 3621

trader station (station) via a data network (internet), the method comprising the steps of (abstract, fig's. 1-3):

displaying graphically coded output information, via the image output device, suitable for authenticating a user (paragraph 36, fig's 1-3);

reading the graphically coded output information into the trader station by an image reading device (paragraphs 36, 5 & 46; fig's. 1-3);

transforming the graphically coded output information into a digital code (paragraph 46, fig's. 1-3); and

authenticating the digital code by the central station (paragraphs 60; fig's 1-3).

As per claim 2, Hui et al. discloses a graphically coded output information from at least one of a PIN number, an identification number stored on an SIM card in the mobile terminal, and a telephone number (paragraphs 50, 68 & 60; fig.'s 1-3).

As per claim 8, Hui et al. discloses wherein the mobile terminal is a mobile radio terminal (cell phone) (paragraph 46; fig.'s 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui et al., U.S. patent application publication 2002/0073027 as applied to claim 1 above, and further in view of Hoffberg, U.S. patent 6,850,252.

As per claim 3, Hui et al. discloses a method for performing a transaction as described above. Hui et al. also discloses setting and storing an electronic credit in a credit memory in the central station (abstract, fig's. 1-3) and transmitting the digital code to the central station together with a sum to be paid (abstract, fig's. 1-3) and comparing the user information with authentication information stored in a user memory (abstract; paragraph 60; fig's. 1-3) and triggering a confirmation signal, performing a decimation function for the electronic credit by the sum received via a decimation device, and storing the credit balance in the credit memory if authentication has occurred (abstract; paragraph 14 & 15; fig's. 1-3). Hui et al. does not disclose triggering a coding algorithm in an encryption device in the mobile terminal to produce the digital code or converting the digital code into the graphically coded output information via a conversion device or using the image reading device to read the graphically coded output information or triggering an inverse coding algorithm in a decryption device in the central station to decrypt the digital code into user information. Hoffberg discloses triggering a coding algorithm in an encryption device in the mobile terminal to produce the digital code (col. 160, lines 20-38) and converting the digital code into the graphically coded output information via a conversion device (bits into graphics, i.e. a cpu) (col.2, 63-65) and using the image reading device to read the graphically coded output information (col.15, 26-28) and triggering an inverse coding algorithm in a decryption device in the central station to decrypt the digital code into user information (col.160, 20-38). It would have been obvious to modify Hui et al. to include triggering a coding algorithm in an encryption device in the mobile terminal

Art Unit: 3621

to produce the digital code and converting the digital code into the graphically coded output information via a conversion device (bits into graphics, i.e. a cpu) and using the image reading device to read the graphically coded output information and triggering an inverse coding algorithm in a decryption device in the central station to decrypt the digital code into user information such as that taught by Hoffberg in order for the information to be passed along to different terminals such as that it is not understood (encryption) by a third party and also such that only the receiving party can understand (decrypt) the information.

As per claim 4, Hui et al. further discloses a confirmation function being triggered and transmitted to the trader station (a station) (abstract, fig's. 1-3).

As per claim 5, Hoffberg further discloses the graphically coded output information being displayed on the image output device of the mobile terminal as a bar code, which may be a two dimensional bar code (bar code scanner) (col. 156, lines 54-67; col.157, lines 1-4; col. 149, lines 1-8 (also includes a reference to a SIM card)).

As per claim 6, Hoffberg further discloses a bar code scanner (col. 3, lines 55).

As per claim 7, Hoffberg further discloses the graphically coded output information being displayed on the image output device in a stipulated time interval of 2 to 5 seconds (almost real time) (col.15, lines 26-28).

As per claim 9, Hoffberg further discloses a PDA (col.213, lines 32-34).

As per claim 10, Hoffberg further discloses an asymmetric encryption protocol, which is one of an RSA protocol and an ECC protocol (col.16, lines 20-38).

As per claim 11, Hui et al and Hoffberg further disclose a mobile terminal for performing a transaction, comprising an encryption (Hoffberg: col. 160, line 20-38) device for encrypting user information into a digital code, the user information including at least one of a PIN number, an identification number (Hui et al.: paragraph 68; fig's 1-3) stored on an SIM card (Hoffberg: col.149, lines 1-8) in the mobile terminal and a telephone number (Hui et al.: paragraphs 50, 68 & 60; fig's. 1-3).

As per claim 12, Hui et al. and Hoffberg further disclose a central station for performing a transaction (Hui et al.: abstract, fig's. 1-3), comprising:

- a credit memory for storing an electronic credit associated with a user (Hui et al.: abstract, fig's. 1-3);

- a user memory for storing at least one item of graphically encoded (Hui et al.: p36 & 46) authentication information associated with the user, the authentication information including at least one of a PIN number, an identification number stored on an SIM card (Hoffberg: col.149, lines 1-8) in the mobile terminal and a telephone number (Hui et al: paragraph 68; fig's. 1-3);

- an image reading device for reading the graphically coded output authentication information into the trader station by an image reading device (Hui et al.: paragraphs 36, 5 & 46; fig's. 1-3);

- a decryption device for decrypting a digital code, corresponding at least in part with the graphically coded authentication information (Hui et al.: paragraphs 36, 5 & 46; fig's. 1-3) received from a trader station into user information (Hoffberg: col. 160, lines 20-38);

a comparator device for comparing the authentication information stored in the user memory with the user information decrypted by the decryption device, and for triggering a confirmation signal from a confirmation device if authentication has occurred (Hui et al.: paragraphs 60; fig's. 1-3); and

a decimation device for decimating the electronic credit by a sum received from the trader station in response to the confirmation signal (Hui et al.: abstract, paragraphs 14 & 15; fig's. 1-3).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowe (U.S. patent 6,394,907) discloses a cashless transaction clearinghouse.

Janning et al. (U.S. patent 6,446,049) discloses a cashless business transaction system (e.g., a vending system, a material tracking system, or a highway toll system) incorporates a method and apparatus for transmitting a digital information signal.

Defosse (U.S. patent 6,457,038) discloses a remote data acquisition and transmission system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 3621

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the Technology Center 3600 Customer Service
Office whose telephone number is **(703) 306-5771**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

Behrang Badii
PRIMARY EXAMINER